

EXHIBIT I

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TERRAFORM LABS, PTE. LTD. and DO
HYEONG KWON,

Defendants.

Civil Action No. 23 Civ. 1346 (JSR)

Hon. Jed S. Rakoff

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S TESTIMONY DESIGNATIONS AND
DEFENDANTS' COUNTER-DESIGNATIONS**

Pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, the Individual Rules of Practice of the Honorable Jed S. Rakoff, and the Amended Stipulation and Order Setting Forth Pretrial Deadlines and Other Procedures (ECF 174), Defendants set forth their objections to Plaintiff's Designation of Those Witnesses Whose Testimony Plaintiff Expects to Present by Deposition or Other Means, dated January 8, 2024, and Plaintiff's Amended Designation of Witnesses Whose Testimony Plaintiff Expects to Present by Deposition or Other Means, dated February 21, 2024. Defendants also counter-designate the attached list of testimony citations.

Defendants reserve the right to counter-designate additional testimony and/or assert objections in response to any supplemental designations of testimony by any other party. Defendants further reserve the right to designate additional rebuttal testimony, depending upon the evidence presented at trial, and to supplement these objections and counter-designations in light of future developments, including any additional discovery and/or any rulings that may be rendered by the Court.

Witness	SEC Designation	Defendants' Objection	Defendants' Counter-designation
Kwon, Do Hyong	5:23-6:5		
Kwon, Do Hyeong	18:16-19:14		
Kwon, Do Hyeong	19:18-22		
Kwon, Do Hyeong	20:3-9	No objection.	15:19-18:15 20:10-13 24:11-25:3
Kwon, Do Hyeong	20:24-21:15	No objection.	21:17-19
Kwon, Do Hyeong	23:19-21		
Kwon, Do Hyeong	74:10-18		
Kwon, Do Hyeong	130:17-19	No objection.	129:18-130:8 130:12-14
Kwon, Do Hyeong	131:4-8	No objection.	131:9-10 131:22-132:5
Kwon, Do Hyeong	132:17-20	No objection.	133:11-20 135:3-21
Kwon, Do Hyeong	137:3-5	Irrelevant; Rule 403; Vague; Rule of Completeness; Lack of foundation.	137:6-21 144:23-145:3 146:4-7 147:5-11 148:11-21 149:3-7 150:14-20 153:2-23 154:1-17 155:8-13
Kwon, Do Hyeong	174:21-176:16	Irrelevant; Rule 403; Lack of personal knowledge; Lack of foundation; Misstates document; Calls for speculation.	176:19-177:7 178:1-181:2 181:24-182:8
Kwon, Do Hyeong	186:7-11	Irrelevant; Rule 403; Vague; Lack of foundation; Lack of personal knowledge.	
Kwon, Do Hyeong	213:24-214:12	No objection.	208:5-211:17 214:25-215:17 (correct "pop up" to "top up") 216:23-217:4 217:24-218:6 219:21-220:12

			220:20-221:14 222:7-8 223:18-25 224:16-21 224:23-225:1
Kwon, Do Hyeong	228:21-23	Irrelevant; Rule 403; Lack of personal knowledge; Lack of foundation; Vague.	233:8-234:9 234:15-25 236:2-237:10 (correct “permitted” to “terminated”) 237:12-238:2 (correct “popup” to “top-up”) 245:21-246:3 246:14-25 260:11-21
Kwon, Do Hyeong	263:2-4	No objection.	267:1-18 269:20-23 270:17-19 270:25-271:18 272:2-8 273:21-274:21 274:22-275:22 276:12-22 277:1- 278:14278:23- 279:12 284:1-5
Kwon, Do Hyeong	287:7-20		
Kwon, Do Hyeong	288:14-21	No objection.	288:22-25
Kwon, Do Hyeong	289:2-6	Vague; Irrelevant; Rule 403; Lack of foundation; Compound.	
Kwon, Do Hyeong	289:8-16	No objection.	291:3-20
Kwon, Do Hyeong	291:22-293:4	Irrelevant; Rule 403; Lack of foundation.	294:2-17
Kwon, Do Hyeong	293:19-294:1	Irrelevant; Rule 403; Lack of foundation; Vague/confusing.	294:2-17 297:6-298:6 298:12-18
Kwon, Do Hyeong	298:19-299:9	Irrelevant; Rule 403; Rule of Completeness; Lack of foundation;	

		Lack of personal knowledge; Calls for speculation.	
Kwon, Do Hyeong	299:12-301:5	Irrelevant; Rule 403; Lack of foundation; Parole evidence; Assumes facts not in evidence.	302:9-304:8 304:18-23 305:14-21 306:1-9 306:11-307:13
Kwon, Do Hyeong	310:3-312:9	Irrelevant; Rule 403; Parole evidence; Rule of Completeness (310:13-19); Lack of foundation; Vague/confusing; Assumes facts not in evidence.	
Kwon, Do Hyeong	312:22-313:1	Irrelevant; Rule 403; Compound; Lack of foundation; Calls for speculation.	313:25-314:5
Kwon, Do Hyeong	315:10-22	No objection.	315:23-317:4
Kwon, Do Hyeong	317:6-20	Irrelevant; Rule 403; Parole evidence; Lack of foundation; Vague/confusing.	317:22-318:7 318:9319:11 319:21-320:4 320:6-321:18
Kwon, Do Hyeong	323:9-12	Irrelevant; Rule 403; Lack of foundation; Rule of Completeness (323:4-8); Vague.	323:4-8, 13-18 326:22-327:6 327:15-17 328:18-329:9 (correct “Chai based” to “chain- based”) 331:9-332:3
Kwon, Do Hyeong	333:20-334:17	Irrelevant; Rule 403; Parole evidence; Lack of foundation; Vague.	334:18-335:7
Kwon, Do Hyeong	335:9-14	Irrelevant; Rule 403; Lack of foundation; Vague.	
Kwon, Do Hyeong	340:5-343:24	Irrelevant; Rule 403; Parole evidence; Rule of Completeness;	337:3-15 339:17-340:3 343:25-344:9

		Calls for speculation; Lack of foundation; Lack of personal knowledge.	
Kwon, Do Hyeong	355:4-6	Irrelevant; Rule 403; Rule of Completeness; Mischaracterizes testimony; Calls for speculation; Lack of personal knowledge.	355:9-12, 358:2-9
Kuan, Jeff	15:8-17:5	Objection to 15:20 because admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III. Otherwise, no objection.	This below testimony is counter-designated in the event that the Court admits the SEC's designations over Defendants' objections: 75:3 – 81:19
Kuan, Jeff	17:20-18:6	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kuan, Jeff	57:16-60:8	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kuan, Jeff	60:22-61:12	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kuan, Jeff	61:16-63:21	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kuan, Jeff	63:24-65:12	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kuan, Jeff	66:1-67:22	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in</i>	

		<i>Limine</i> , Sect. III.	
Kuan, Jeff	67:25-70:5	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	41:12-42:1	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	This below testimony is counter-designated in the event that the Court admits the SEC's designations over Defendants' objections: 131:14 – 137:6
Kariya, Kanav	42:9-15	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	47:20-52:23	Admission of Fifth Amendment invocation would be unfairly prejudicial where there is no probative value; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	57:7-66:20	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	67:21-69:1	Admission of Fifth Amendment invocation would be unfairly prejudicial where there is no probative value; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	70:10-71:19	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	71:17-25	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	

Kariya, Kanav	78:4-81:12	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	93:15-22	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Kariya, Kanav	94:9-15	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	14:5-19:20	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	This below testimony is counter-designated in the event that the Court admits the SEC's designations over Defendants' objections: 125:2-126:9
DiSomma, William	22:11-24:17	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	27:19-31:13	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	48:11-19	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	50:24-65:2	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	65:15-69:24	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in	

		Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	73:7-87:25	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
DiSomma, William	88:3-96:1	Admission of Fifth Amendment invocation would be unfairly prejudicial; <i>see</i> Memorandum in Support of Defendants' Motions <i>in Limine</i> , Sect. III.	
Mathialagan, Ashwin	11:17-12:18		
Mathialagan, Ashwin	13:4-8		
Mathialagan, Ashwin	102:8-12		
Mathialagan, Ashwin	102:19-20		
Mathialagan, Ashwin	105:1-12		
Mathialagan, Ashwin	118:13-119:23		
Mathialagan, Ashwin	137:5-138:9		
Mathialagan, Ashwin	141:24-142:10	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. in Opp. to SEC Motions in <i>Limine</i>).	
Mathialagan, Ashwin	142:11-149:2	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. in Opp. to SEC Motions in <i>Limine</i>); Completeness (failure to include correction on errata sheet).	146:13-17 (as corrected on errata sheet)
Mathialagan, Ashwin	149:6-155:24	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. in Opp. to SEC Motions in <i>Limine</i>); Completeness (failure to include correction on errata sheet).	151:12-15 (as corrected on errata sheet)
Mathialagan, Ashwin	156:14-159:6	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. in Opp. to SEC Motions in <i>Limine</i>); Completeness (failure to include correction on errata sheet).	157:8-12 (as corrected on errata sheet)

Mathialagan, Ashwin	160:4-25	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. In Opp. to SEC Motions in Limine); Completeness (failure to include correction on errata sheet).	160:23-24 (as corrected on errata sheet)
Mathialagan, Ashwin	161:1-6	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. in Opp. to SEC Motions in Limine); Completeness (failure to include correction on errata sheet).	161:1-8 (as corrected on errata sheet)
Mathialagan, Ashwin	163:21-164:8		
Mathialagan, Ashwin	166:23-25		
Mathialagan, Ashwin	168:5-8		
Mathialagan, Ashwin	170:3-176:16	Inadequate notice of topic for 30(b)(6) deponent (<i>see</i> Defendants' Mem. in Opp. to SEC Motions in Limine); Completeness (failure to include correction on errata sheet).	174:25 (as corrected on errata sheet)
Mathialagan, Ashwin	178:8-179:9		

Dated: March 1, 2024

Respectfully submitted,

/s/ Douglas W. Henkin, Esq.

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